

5. CONSENT AGENDA.

- C. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of January 7, 2008. (**Note: Meeting was cancelled due to inclement weather**)
- D. Acknowledgement of the Parks and Recreation Advisory Committee Meeting Minutes of November 15, 2007.
- E. Acknowledgement of the Parks and Recreation Report for the month of December, 2007.
- F. Acknowledgement of the Animal Control Report for the month of December, 2007.

MOTION: Councilor Simmons made a motion to approve the Consent Agenda. Councilor Felton seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

6. PUBLIC HEARINGS.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Noted: Ms. Mahalick affirmed postings were met as required.

G. Town of Edgewood Animal Care & Control Ordinance. (To be Continued After Initial Discussion)

Mr. Marcus Rael, Town Attorney stated he is reviewing the draft and has made changes which are being sent to Officer Murphy for her review. He will be meeting with Chief Welch and Officer Murphy to finalize the Ordinance.

MOTION: Councilor Hill made a motion to continue this item. Councilor Ring seconded the motion for discussion.

Councilor Ring asked for public comment as this is a Public Hearing.

Ms. Monica Stoner commented there are a number of breeders who moved to this area, who are responsible and if afraid their freedom rights will be taken away.

Mr. Ray Seagers commented on the lease law and fence control and how this can be done if out horseback riding on trails, dogs are still under control.

Ms. Somerville stated she is a greyhound breeder and understands the need for changes and the legal and moral aspect is well taken, but is asking the Council to listen to dog owners before adopting the Ordinance.

H. Town of Edgewood Comprehensive Land Use Plan. (Previous Hand-Out)

Mr. Joe Quintana, Middle Rio Grande Council of Governments was present and stated the Town has been working on this for 1 ½ years, the Goals and Objectives were adopted in February 2007. This document will get the Town started to move forward on other specific projects created in the plan. Councilor Simmons discussed her concerns of the plan. The Council reviewed the comments submitted by the Chamber of Commerce and

looked at other language changes such as Road Committee no longer in place be changed to Public Works Committee.

MOTION: Councilor Hill made a motion to continue this Public Hearing. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

At this time Public Comments were heard.

Mr. Ralph Hill commented on horse trails not developed and would like to see more acknowledgement on these trails and feels cluster development could take these away. Highway 344 was to have these trails.

Mr. Ray Seagers commented on the Chamber of Commerce view on essential versus desirable in the changes they submitted.

Ms. Carol Ring reminded everyone of the C.O.W. Awards, deadline is January 29th and the event will be at the Edgewood Middle School with Steve Stucker hosting the event on February 22nd.

Ms. Audrey Jaramillo updated on upcoming community events, A Super Bowl Party is scheduled at the Valley View Christian Church, February 3, 2008. The Care Net Crises Pregnancy Center has scheduled Mentor Training and looking for volunteers on February 9, 2008. The School Bond Election is coming up in February. The Edgewood Middle School will be having their Sock Up Dance on March 14, 2008. She has been asked if there is any type of recycling facility in Edgewood maybe put bins at the Wal-Mart parking lot.

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: Note: This item is a continuation from the Council Meeting of December 19, 2007.

These cases are being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Simmons stated she had no conflict of interest or ex-parte communication.

Councilor Felton stated he had no conflict of interest or ex-parte communication.

Councilor Hill stated he would recuse himself due to family relationship in this hearing.

Councilor Ring stated he had no conflict of interest or ex-parte communication.

Mayor Calkins stated he had no conflict of interest or ex-parte communication.

Ms. Mahalick stated this has been noticed as required.

I. Appeal of Pueblo Artesanos subdivision final plat phase one.

Ms. Mahalick stated this item was previously tabled in order for the attorneys to meet for

further discussion. Mr. Rael stated he had met with Ms. Kilgore and also read a letter dated January 18, 2008 to the Council in which a meeting is to be scheduled with the developer. They discussed the 2005 plat has already made public this easement and referred to the State Statute.

MOTION: Councilor Ring made a motion to table this item until after the meeting with the developer. If nothing has been determined within one month, then this item will be brought back for a decision. Councilor Felton seconded the motion.

At this time Mr. Rael swore in those testifying for this item.

Ms. Peggy Condor reviewed a plat that references the southern properties and not the northern properties on lot lines.

Ms. Kathy Russell referred to the Council Minutes of December 19, 2007 and stated a part of these were not referenced correctly. Mr. Rael updated the Council on his meeting with Ms. Kilgore and referred to State Statute and the Town's position. The issue of Restrictive Covenants in reference to this was discussed. He stated his information is based on documents received

MOTION: Councilor Ring amended his motion to table this item and allow Ms. Kilgore to meet with the other parties to come up with a solution and to ask Ms. Kathy Russell to submit her ideas of what was in error in the Minutes in order to make a part of these Minutes and to allow one month for this. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill recused himself. Councilor Ring voted aye. The motion carried.

7. POLICE REPORT.

Sgt. Chavez welcomed Chief Welch and stated they are working together on the department start up. The State Police will be conducting a saturation and DWI check point.

Chief Welch stated he is working on the facility and infrastructure for the department. He will be meeting with Santa Fe, County as well on dispatch services. Chief Welch stated he is working on a procedure manual and also thanked the State Police for working with him on department matters.

8. MATTERS FROM THE MAYOR.

J. Presentation of Awards for the Regional Animal Shelter Recipients on the Naming of the Facility Contest.

Refer to item 4.

9. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Simmons stated she had attended the Moriarty Council Meeting and they requested information on Animal Shelter. A Regional Animal Shelter Meeting is scheduled for January 30th and 31st.

Councilor Ring announced the Community College issue, moving forward to start classes this fall and will have an Exploratory higher education get together to be held on March 7th & 8th. He believes the Grand Openings for Wal-Mart and Smith's are scheduled at this time also. For additional information, contact Janelle Turner or him.

10. MATTERS FROM THE ATTORNEY.

Mr. Rael stated yes the Special Assessment Districts can go outside the municipal boundaries. He also stated the Governing Body can set compensation for the Councilors by Ordinance setting the amounts and will be effective immediately upon adoption as stated in the Ordinance. The Ethics Ordinance draft is almost complete.

11. CHAMBER OF COMMERCE.

K. Quarterly Report.
This item was tabled.

12. THE NEW MEXICO HEALTH SECURITY ACT – Ms. Dana Millen

L. Presentation of what the plan purposes.

Ms. Millen stated this plan is for health insurance for New Mexico and will be run by an independent citizen's commission. This is not the Governor's Bill. She reviewed her hand-out with the Council. This plan will take three years to go into operation.

13. RESOLUTIONS.

M. Resolution No. 2008-04 Department of Public Safety.

Chief Welch reviewed his budget with the Council for the remainder of the fiscal year. This item cannot be approved as this needs to be advertised for an action item.

MOTION: Councilor Hill made a motion to table this item upon review of an existing Resolution with the Mounted Patrol. Councilor Felton seconded this motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

A Special Council meeting to be scheduled for Monday, January 28, 2008 at 6:00 P.M.

N. Resolution No. 2008-05 Leaving No New Mexico Child Inside.

MOTION: Councilor Hill made a motion to approve Resolution No. 2008-05 deleting the 2nd "WHEREAS" statement. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted nay. Councilor Simmons voted aye. The motion carried.

14. MATTERS FROM THE ADMINISTRATOR.

FINANCE AND ADMINISTRATION.

O. Approval of Town Bills for the month of December, 2007.

MOTION: Councilor Hill made a motion to approve payment of the Town Bills. Councilor Simmons seconded the motion.

Initials

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

P. Approval of the Financial Report for the month of December, 2007.

MOTION: Councilor Hill made a motion to approve the Financial Report as submitted. Councilor Felton seconded the motion.

Mr. Condrey reviewed his hand-out on a gross receipt tax comparison chart from July 2007 through January 2008 showing a 54% increase.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons vote aye. The motion carried.

Q. Approval of the Precinct Board for the March 4, 2008 Municipal Election.

MOTION: Councilor Simmons made a motion to approve the Precinct Board as presented. Councilor Ring seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

R. Approval of Federal Project Funds Request. (Hand-Out)

Mr. Condrey discussed with Council a request to the Congressional delegation due the end of February consisting of a list of infrastructure projects that are needed by the Town. Total unfunded projects with an additional \$10 million for paving of arterial roads and \$1 million for the wastewater project equals approximately \$32 million. Request this from the Congressional Delegation and Council authorize Mr. Condrey to prepare a package for a hard money earmark included in USDA Rural Development budget. This would be subject to an equal match by the Town. The federal government would fund half and the Town half of this. The Town would look at a bond issue.

MOTION: Councilor Ring made a motion to approve the request submittal. Councilor Felton seconded the motion.

Councilor Felton stated the Council should look at this request before the submittal as there may be items that need to be removed and items added. Mr. Condrey will forward this submittal to the Council.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

COMMUNITY PLANNING & DEVELOPMENT.

S. Year End Report.

Ms. Mahalick reviewed her report with the Council.

Residential Development Reviews - 103 permits for 230,881 sq. feet.

Commercial Development Reviews - 3 permits at 24,701 sq. ft.

Sign Permits – 9

Subdivision requests – 1738.21 acres.

Property rezonings – 1 Residential to Commercial C-2

2 Residential to Residential & Services R-S

Conditional Use Permits – 5 requests
Annexations – 3,714.15 acres
Multi-Use Permit - 1

15. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

T. Regular Council Meeting – February 6, 2008
U. Regular Council Meeting – February 20, 2008

MOTION: Councilor Hill made a motion to hold a Special Council Meeting on Monday, January 28, 2008 at 6:00 at the Town Hall. Councilor Ring seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

**16. PUBLIC COMMENTS. (Limit to 2 minutes per person).
Public Comments were heard at 7:30 P.M.**

17. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1(H)(8), the following matter will be discussed in Closed Session.

1. Property Acquisition.

MOTION: Councilor Hill made a motion to go into Closed Session pursuant to NMSA 1978, 10-15-1(H)(8) to discuss Property Acquisition. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

MOTION: Councilor Hill made a motion to reconvene the Meeting. Councilor Simmons seconded the motion.

Councilor Hill stated for the record only the item listed was discussed in Closed Session.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted Simmons voted aye. The motion carried.

MOTION: Councilor Hill made a motion to direct Legal Council, Mr. Marcus Rael to proceed with the real estate acquisition per discussion within 90 days. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

18. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the Meeting. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

Mayor's Quote for this Meeting:

Call it a clan, call it a network, call it a tribe, call it a family. Whatever you call it, whoever you are, you need one. Jane Howard, Writer

APPROVED AND ADOPTED THIS 6TH day of FEBRUARY, 2008.

Honorable Howard Calkins, Mayor

ATTEST:

Jeff Condrey, Administrator Clerk-Treasurer